


PROB 12C (Rev. 08/18)				<u>AMENDED VIOLATION REPORT</u> PART 1: PETITION FOR WARRANT		U. S. Probation Office Eastern District of Michigan		PACTS 324309		DATE <u>11/02/2021</u>	
NAME SMITH, Eric S.				OFFICER <u>Courtney M. Wilson</u>		JUDGE Terrence G. Berg				DOCKET # 13-CR-20620-01	
ORIGINAL SENTENCE DATE 05/08/2014 COMMENCED 10/24/2019 EXPIRATION 10/23/2021		SUPERVISION TYPE Supervised Release		CRIMINAL HISTORY CATEGORY IV		TOTAL OFFENSE LEVEL 23		PHOTO 			
ASST. U.S. ATTORNEY Jules M. DePorre				DEFENSE ATTORNEY <u>Bryan J. Sherer</u>							
REPORT PURPOSE <p style="text-align: center;"> <u>AMENDED VIOLATION TO PETITION</u> <u>FILED ON JULY 22, 2021</u> <u>(Please note that the amended information is underlined)</u> </p>											
ORIGINAL OFFENSE Count 1: 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm											
SENTENCE DISPOSITION Custody of the Bureau of Prisons for a term of 70 months, to be followed by a two-year term of supervised release.											
ORIGINAL SPECIAL CONDITIONS <ol style="list-style-type: none"> 1. The defendant shall participate in a program approved by the probation department for substance abuse, which program may include testing to determine if the defendant has reverted to the use of drugs or alcohol, if necessary. 2. The defendant shall enroll and participate in a Cognitive Behavior Therapy program (CBT) as approved by the probation officer, if necessary. 3. The defendant shall not use or possess alcohol in any consumable form, nor shall the defendant be in the social company of any person whom the defendant knows to be in possession of alcohol or illegal drugs or frequent an establishment where alcohol is served for consumption on the premises, with the exception of restaurants. <p>Criminal Monetary Penalty: Special Assessment \$100.00 (paid).</p>											

PROB 12C (Rev. 08/18)		AMENDED VIOLATION REPORT PART 1: PETITION FOR WARRANT		U. S. Probation Office Eastern District of Michigan		PACTS 324309		DATE <u>11/02/2021</u>	
NAME SMITH, Eric S.			OFFICER <u>Courtney M. Wilson</u>		JUDGE Terrence G. Berg			DOCKET # 13-CR-20620-01	
The probation officer believes that the offender has violated the following conditions of Supervised Release:									
VIOLATION NUMBER		NATURE OF NONCOMPLIANCE							
1		<p> <u>Violation of Mandatory Condition:</u> “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.” </p> <p> <u>ERIC SMITH was arrested by Michigan State Police (MSP) troopers, in Flint., Michigan, on the charges of Operating While Intoxicated/Impaired-Third Offense; Alcohol-Open Container in Vehicle (driver); Drove While License Suspended, Revoked, Denied; and Motor Vehicle-Operation Without Security. On July 28, 2021, Michigan State Police troopers conducted a traffic stop on a Cadillac Escalade for running a stop sign and made contact with the driver who was identified as SMITH. A license plate inquiry revealed the vehicle did not have insurance. Troopers approached the vehicle and smelled a strong odor of intoxicants. SMITH advised he was on parole and did not have a driver’s license. He was ordered out of the vehicle and placed in handcuffs. A search of the vehicle revealed a bottle of cranberry juice, which also tested positive for alcohol. SMITH consented to a Preliminary Breath Test (PBT) which returned .21 blood alcohol concentration. SMITH refused to have his blood drawn for testing. A search warrant was obtained and signed by Judge David Guinn. SMITH was transported and lodged at Genesee County Jail where a blood draw was performed. At the time of this report, no criminal charges have been filed.</u> </p>							
2		<p> <u>Violation of Mandatory Condition:</u> “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.” </p> <p> <u>On 03/07/2021, the Flint City Police, Flint, Michigan, was dispatched to investigate a report for felonious assault. Upon arrival, the officers spoke with the caller/victim. She reported having been out drinking on the night of 03/06/2021 and at approximately 0100 hours on Sunday, 03/07/2021, she arrived home. She reported that when she got out of her car, her ex-boyfriend, identified as ERIC SHIMRON SMITH was hiding somewhere behind her house. She said at this point, SMITH attacked her in the driveway of her home. She reported being punched five times to her eye and jaw and knocked to the ground by SMITH. She said SMITH got on top of her and hit her head with his cell phone approximately ten times. She said that SMITH had accused her of cheating. The victim reported being knocked unconscious by SMITH and when she woke up, he was gone. The officers reported while taking the victim’s statement, they observed bumps on the top of her head, two black eyes, a swollen left jaw and left hand. She refused medical transport but stated, she would have a family member to take her to the hospital. The offender’s information was entered into LEIN and returned with a traffic violation warrant. The previous probation officer made several unsuccessful attempts to contact the SMITH. Several messages were left at the telephone number on file, but he failed to return any calls.</u> </p>							

PROB 12C (Rev. 08/18)	<u>AMENDED VIOLATION REPORT</u> PART 1: PETITION FOR WARRANT		U. S. Probation Office Eastern District of Michigan	PACTS 324309	DATE <u>11/02/2021</u>
NAME SMITH, Eric S.		OFFICER <u>Courtney M. Wilson</u>	JUDGE Terrence G. Berg		DOCKET # 13-CR-20620-01
	<p>On March 6, 2021, SMITH was originally charged with Count 1, Assault; and Count 2, Assault Aggravated in 67th District Court. On March 17, 2021, a warrant was issued. On July 8, 2021, an arraignment hearing was held in 67th District Court before District Judge William H. Crawford for Count 1, Assault With Dangerous Weapon (Felony Assault); and Count 2, Domestic Violence under Case Number 21T00630. On September 29, 2021, a probable cause hearing was held. The case was dismissed on via a motion submitted by the defendant.</p>				
3	<p><u>Violation of Mandatory Condition: “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.”</u></p> <p>On 02/18/2021, ERIC SMITH was issued a citation by the Grand Blanc Township Police, Grand Blanc Twp., Michigan, on the charge of Retail Fraud. Details of this offense are as follows: On 02/18/2021, Grand Blanc Twp. officers were dispatched to Walmart on a retail fraud in progress. Dispatch advised there was a male in custody in Loss Prevention at Walmart. Upon arrival, the officer made contact with the loss prevention officer and ERIC SMITH. The Loss Prevention officer informed the officers she saw SMITH take price tags off specific items in housewares and continued to monitor him throughout the store. SMITH would approach the self-scan lane and use a price tag from a lower priced item to scan three items.</p> <p>The officers questioned SMITH as to what occurred. He reported going through Walmart and took a price tag, went to the bedding area and “grabbed some stuff” and used the barcode to scan those items. At this time, the offender was handcuffed and escorted outside to the police cruiser. SMITH’s information was checked and returned with a suspended license with one warrant for the same. The offender was denied lodging due to limited space at the Genesee County jail, Flint. He was released at the scene with a citation for retail fraud.</p> <p><u>On February 23, 2021, SMITH was charged in 67th District Court with Retail Fraud-Third Degree. On June 16, 2021, an arraignment hearing was held in 67th District Court before District Judge Christopher Odette for Retail Fraud-Third Degree under Case number 21E00354. On this same date this the case was dismissed without prejudice.</u></p>				
4	<p><u>Violation of Mandatory Condition No. 11:</u> “THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER.”</p> <p><u>SMITH failed to notify the probation department of any arrests or pending Court proceedings.</u></p>				

PROB 12C (Rev. 08/18)		<u>AMENDED VIOLATION REPORT</u> PART 1: PETITION FOR WARRANT		U. S. Probation Office Eastern District of Michigan	PACTS 324309	DATE <u>11/02/2021</u>
NAME SMITH, Eric S.		OFFICER <u>Courtney M. Wilson</u>		JUDGE Terrence G. Berg		DOCKET # 13-CR-20620-01
5		<u>Violation of Standard Condition No. 7: "THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."</u> <u>On March 5, 2020 and October 20, 2021, SMITH submitted to random urinalysis which returned positive for marijuana.</u>				
I declare under penalty of perjury that the foregoing is true and correct. PROBATION OFFICER <u>s/Courtney M. Wilson/sh</u> <u>810-341-7884</u>				DISTRIBUTION Court		
DEPUTY CHIEF PROBATION OFFICER <u>s/Marc W. Calandra</u> <u>(313) 234-5131</u>				PROBATION ROUTING Data Entry		
THE COURT ORDERS: <input checked="" type="checkbox"/> The issuance of a warrant <input type="checkbox"/> Other						
<div style="text-align: right;"> <u>/s/Terrence G. Berg</u> United States District Judge <u>11/5/2021</u> Date </div>						